

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 27 2005

at 10 o'clock and 41 min. 5 M
SUE BERTIA, CLERK

JMS
ARTHUR E.ROSS #1005
126 Queen Street, Suite 210
Honolulu, Hawaii 96813
Telephone: (808) 521-4343

LODGED

DEC 23 2005
1:02 pm
CLERK, U. S. DISTRICT COURT
DISTRICT OF HAWAII

Attorney for Plaintiff
GILBERT VISCONDE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

GILBERT VISCONDE,)	CIVIL NO. CV 04-00595 JMS
)	
Plaintiff,)	STIPULATION FOR DISMISSAL
)	WITH PREJUDICE OF DEFENDANT
vs.)	CITY AND COUNTY OF
)	HONOLULU
DANIEL THORNTON, in his)	
individual capacity, and CITY and)	
COUNTY OF HONOLULU,)	
)	
Defendants.)	
)	

STIPULATION FOR DISMISSAL WITH PREJUDICE
OF DEFENDANT CITY AND COUNTY OF HONOLULU

WHEREAS on September 30, 2004, Plaintiff Gilbert Visconde ("Plaintiff"),
filed a civil complaint (hereinafter "Complaint") against defendants City and
County of Honolulu and Daniel Thornton in the United States District Court for the
District of Hawaii; and

WHEREAS, the Complaint contained allegations against the City and County of Honolulu based on inadequate hiring, training and supervision of police officer Daniel Thornton; and

WHEREAS the Complaint also contained allegations that the City and County of Honolulu failed to establish a policy to prevent, or otherwise failed to prevent, the incident which is the subject of this case; and

WHEREAS the Complaint sought relief against the City and County of Honolulu under 42 U.S.C § 1983 and Common Law Assault and Battery; and

WHEREAS the Plaintiff is unable to prove the aforementioned allegations against the City and County of Honolulu, and

WHEREAS, on June 29, 2005, Defendant City and County of Honolulu filed a Motion for Summary Judgment in the United States District Court, which motion is pending a hearing on January 30, 2006 before Judge J. Michael Seabright.


THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, City and County of Honolulu and Daniel Thornton as follows:

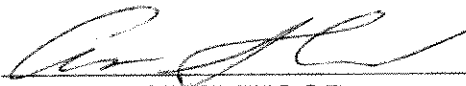
1. Defendant City and County of Honolulu shall be and is hereby dismissed with prejudice;
2. Daniel Thornton is the only defendant remaining in this action.

This stipulation is submitted pursuant to Federal Rule of Civil Procedure 41 (a)(2). No trial date has been set.

DATED: Honolulu, Hawaii, _____

SO STIPULATED:


ARTHUR E. ROSS
Attorney for Plaintiff
GILBERT VISCONDE

CARRIE K.S. OKINAGA
Corporation Counsel
By: 
CURTIS SHERWOOD
Attorney for Defendants
CITY AND COUNTY OF HONOLULU
and DANIEL THORNTON

APPROVED AND SO ORDERED:

J. MICHAEL SEABRIGHT

DEC 27 2005

J. MICHAEL SEABRIGHT
United States District Court

CIVIL NO. CV 04-00595 JMS; Gilbert Visconde v. Daniel Thornton, et al.;
Stipulation for Dismissal with Prejudice of Defendant City and County of
Honolulu